DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed **05/02/2008** have been fully considered but they are not persuasive.

Applicants argue that Spiegel et al do not disclose "the information stored in the intermediate node comprises an identifier of the packet and information that encodes an output port of the intermediate node to be used for returning the packet".

In reply, Spiegel et al disclose the above claim limitations. In particular, Spiegel et al disclose, at column 11, lines 32-35, that "the connection setup packet is cranked back through **output port ID=1** to node B, the adjacent upstream node listed in the record filed of the packet (step 78) as shown in FIG. 7C." Thus, the intermediate node includes "**information that encodes an output port of the intermediate node** to be used for returning the packet". Spiegel et al disclose, at column 11, lines 36-44, that "[u]pon arriving at node B (step 60) at input IP/ID=3, the connection setup **packet is checked for identify** and determined that it is using combined control (step 61) and **that it was just cranked back from node D** (step 65). By using the outgoing VCI=152 set in the packet, the forwarding table entry containing VCI(i) =171, OP/ID=3, VCI(o) =152 is located for input port IP/ID=1, this input port identifier and VCI =171 are saved in memory for possible new path, and this entry is removed from the forwarding table." Thus, the intermediate node includes **an identifier of the packet** so that the identity of the packet is checked to determine if the packet is a cranked back packet.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 1, 2 and 4, 5** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No. 5,649,108 to *Spiegel et al.*

As claim 1 , *Spiegel et al.* disclose a method for determining the return path of a packet in a network, the network comprising a plurality of nodes and a plurality of links between the nodes, and wherein for each first node having at least one link with a second node, a link exists between the second node and the first node, the method comprising the steps of sending the packet from a source node to a destination node, via at least an intermediate node (see Figs. 1, 7A-7D, e.g., node A is a source node; nodes B, C, D, E, F are intermediate nodes. Node G is a destination node), storing information in the intermediate node for deriving the return path (see col.10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet), and when the packet is being returned to the source node using the stored information for deriving the return path, wherein the information stored in the intermediate node comprises an identifier of the packet and information that encodes an output port of the intermediate node to be used for returning the packet (see col. 10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet, and VCI(i)

corresponds to an identifier of the packet and OP/IP corresponds to information that encodes an output port of the intermediate node).

As claim 2, *Spiegel et al.* disclose step of storing information stores the information in each node visited by the packet for deriving the return path, when sending the packet from a source node to a destination node. (see col.10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet).

As to claim 4, see similar rejection to claim 1. Furthermore, the network node shown in Fig. 2 includes an integrated circuit (see col.5, lines 42-62).

As to claim 5, see similar rejection to claim 2.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TRANG NGUYEN whose telephone number is (571)270-5248. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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